

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KEVIN T. NUGENT, JR.,

Plaintiff,

MEMORANDUM & ORDER
19-CV-4251 (RRM) (CLP)

v.

OFFICER GRAY, # 18367, and NYC
DEPARTMENT OF CORRECTION.,

Defendants.

ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff, Kevin T. Nugent, Jr., who is detained on Rikers Island, brought this *pro se* civil rights action against a corrections officer and the New York City Department of Corrections pursuant to 42 U.S.C. § 1983. (Compl. (Doc. No. 1).) Nugent’s complaint failed to include the Prisoner Authorization form required by the Prisoner Litigation Reform Act (“PLRA”). On July 25, 2019, the Court sent Nugent a letter enclosing the PLRA form and direction him to return the form within 14 days from the date of the letter, which he failed to do. On August 26, 2019, the Court received an amended complaint from Nugent, which was unaccompanied by any other documents. (Am. Compl. (Doc. No. 5).) The amended complaint raised the same allegations, but named two of Nugent’s fellow detainees – Thris Strobach and Christopher Cruz – as additional plaintiffs. (*Id.*)

In a Memorandum and Order issued on January 11, 2021, and mailed to Nugent, Strobach and Cruz the same day, the Court noted some deficiencies.¹ (Memorandum and Order

¹ At least some copies of the January 11, 2021, Memorandum and Order that were mailed to Nugent, Strobach, and Cruz were returned to sender as undeliverable. (Doc. Nos. 8–10.)

(Doc. No. 7).) First, the Court advised that each incarcerated plaintiff was required to pay the full filing fee or individually fill out an application to proceed *in forma pauperis* (“IFP”). Second, the Court noted that none of the plaintiffs had filled out the Prisoner Authorization form required by the Prisoner Litigation Reform Act (“PLRA”). Accordingly, the Court sent each plaintiff an IFP application and the PLRA form and instructed them to fill out the forms and return them to the Court within 30 days. (*Id.*) The Court warned that if plaintiffs failed to comply with the Order and did not submit the completed and signed forms within 30 days from the date of the Order, the action would be dismissed.

More than 30 days have now elapsed since the issuance of the Memorandum and Order. To date, the Court has not received plaintiffs’ IFP applications or PLRA forms. Accordingly, for the reasons set forth in the Court’s Memorandum and Order dated January 11, 2021, it is

ORDERED that this action is dismissed without prejudice. The Clerk of Court is respectfully directed to enter judgment for defendants, to mail a copy of the judgment and this Order to plaintiffs, to note that mailing on the docket sheet, and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
February 26, 2021

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge